

Michigan Department of Civil Service

REGULATION

Appointing Authority Letter Reference: CS-6940	Effective Date: March 18, 2001	Index Reference: Regulations	Regulation Number: 1.01
Issuing Bureau: Executive	Rule Reference: Rule 1-3 (Regulations)		Replaces: Reg. 1.01 (CS-6885, Aug. 19, 1998)
Subject: ISSUANCE OF CIVIL SERVICE REGULATIONS			

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1. **PURPOSE**

This regulation (1) defines basic terms (***rule***, ***regulation***, and ***advisory***) and (2) prescribes a procedure for issuing regulations of the Department of Civil Service.

2. **CIVIL SERVICE RULE REFERENCE**

Rule 1-3 Regulations

The state personnel director is authorized to issue regulations that the director deems to be necessary or useful. A regulation issued by the state personnel director is binding on the department of civil service, unless the commission finds that the regulation violates a rule. The state personnel director shall make all regulations available to employees through their personnel offices and the internet.

3. **DEFINITIONS**

A. **Civil Service Rule Definition**

1. **Regulation**

Regulation means a formal, general written enactment issued by the state personnel director that: (1) exercises, implements, or applies powers granted in article 11, section 5, of the constitution; (2) exercises, implements, or applies powers granted by civil service rule; or (3) prescribes the procedures or practices of the department of civil service. A regulation does not include the following:

- (a) A determination, decision, or order in a contested case, technical appeal, or individual labor relations matter.
- (b) A determination, declaratory ruling, order, or other disposition by the state personnel director of a particular matter as applied to a specific set of facts.
- (c) A personnel or administrative action by the state personnel director.
- (d) A form with instructions, an interpretive statement, an informational pamphlet, or other material that in itself does not have the force and effect of a regulation but is merely explanatory.
- (e) An advisory.

B. **Additional Definitions as Used in This Regulation**

1. **Advisory** means an explanatory statement or policy statement issued by the Civil Service Commission or Department of Civil Service to provide future direction, clarification, or other necessary or useful information. An advisory does not have the force and effect of law and is not binding.
2. **Contested case** means a proceeding in which a determination of the legal rights, duties, or privileges of a named party is required by the constitution or rule to be made by the Civil Service Commission or the

Department of Civil Service after an opportunity for an evidentiary hearing. Contested case includes the following:

- a. A grievance by a classified employee alleging a violation of a rule or regulation by an appointing authority that has been timely filed with the employer and timely appealed to the Department of Civil Service.
 - b. An unfair labor practice charge that has been timely filed.
3. **Rule** means a statement of general applicability approved by the Civil Service Commission that (1) exercises, implements, or applies powers authorized by article 11, section 5, of the Michigan Constitution, or (2) prescribes the procedures or practice of the Department of Civil Service. A rule has the force and effect of law unless a court of competent jurisdiction determines that the rule is unconstitutional or otherwise contrary to law. A rule does not include the following:
- a. General statements of principles or policy approved by the commission that do not have the force and effect of law and which are not intended to be rules.
 - b. A determination, decision, or order in a contested case.
 - c. An interagency or intradepartment memorandum, directive, or communication that does not affect the rights of, or procedures and practices available to the public.
 - d. A form with instructions, an interpretive statement, an informational pamphlet, or other material which in itself does not have the force and effect of law but is merely explanatory.
 - e. A declaratory ruling or other disposition of a particular matter as applied to a specific set of facts involved.
 - f. A regulation.
 - g. An advisory.
 - h. A personnel or administrative action by the Civil Service Commission.

4. **STANDARDS**

- A. **Notice of Proposed Regulation.** The state personnel director shall give public notice of any proposed regulation or material amendment to a regulation to the Civil Service Commission, the Office of the State Employer,

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appointing authorities, and recognized employee organizations, at least 14 days before the proposed effective date. Any interested person may request a copy of the proposed regulation and may comment in writing on the proposal.

- B. Issuance of Regulation; Effective Date.** After review of any comments, the state personnel director may issue the regulation as proposed or as revised. A regulation is issued when the regulation has been approved by the state personnel director and published by the Department of Civil Service. The regulation is effective on the date issued or any later date authorized by the state personnel director.
- C. Emergency Regulation.** If the state personnel director determines that the efficient and orderly administration of the classified service requires issuance of a regulation without the notice required in standard A., the state personnel director may immediately issue such regulation without prior public notice or opportunity for comment.
- D. Notice to Commission.** The state personnel director shall place on the agenda of the Civil Service Commission a notice of each regulation issued since the last meeting. Commission action is not required. However, the commission may act to amend or repeal a regulation at any time without notice.
- E. Publication of Regulations.** The state personnel director shall number, organize, compile, certify, and publish all regulations. The regulations must be provided to the Office of the State Employer, all appointing authorities, and all employee organizations. Appointing authorities shall make all civil service rules and regulations available to classified employees. The regulations must be available to the public and may be published in electronic form.
- F. Severability.** Each provision of these regulations is severable. Therefore, if a court of competent jurisdiction or the Civil Service Commission finds that any provision of a regulation is invalid or unenforceable, every other provision not found invalid or unenforceable remains valid and enforceable.

CONTACT

Questions regarding this regulation should be directed to the Office of the General Counsel, Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909.

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.

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